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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,010	02/24/2005	Orlando Starke	04306/0202159-US0	7222
7278	7590	11/15/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER CAZAN, LIVIUS RADU	
			ART UNIT 3729	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,010

Applicant(s)

STARKE ET AL.

Examiner

Livius R. Cazan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 8/31/2007 has been fully considered and made of record.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 11-13 and 14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the phrase "each plurality of lamination portions" lacks proper antecedent basis, and it is therefore unclear what constitutes the recited linear alignment.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claim 11, as best understood**, is rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US6077054 to Lee et al.).

The rejection still applies to the claim as amended, and is therefore maintained. See the Office Action mailed on 6/1/2007 and the *Response to Arguments* below.

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Regarding the newly added limitations, they are disclosed by Lee. In particular, each lamination portion has a radially internal edge (see edge of laminations facing 61 in Fig. 3) mutually seated side by side with the radially internal edge of an adjacent lamination portion so as to define a rectilinear alignment of each of the plurality of laminations.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 1-4, 6, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US6077054 to Lee et al.) in view of Lilie (WO01/73923 to Lilie et al.).

The rejection is maintained. See the Office Action mailed on 6/1/2007. See the *Response to Arguments* below.

9. **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Lilie in view of Laskaris (US5318412 to Laskaris et al.).

Regarding claim 5, the rejection is maintained. See the Office Action mailed on 6/1/2007. See the *Response to Arguments* below.

Regarding claim 15, Lee, Lilie, and Laskaris disclose substantially the same invention as the Applicant except for the projection seating region having a triangular geometry.

At the time the invention was made, it would have been an obvious matter of engineering design choice to a person of ordinary skill in the art to utilize a triangular geometry, because Applicant has not disclosed that this geometry provides an

advantage, is used for a particular purpose, or solves a stated problem that would not be provided or solved by other geometries, such as square, rectangular, or some other geometry. One of ordinary skill in the art, furthermore, would have expected the invention to work equally well with any of the listed geometries because they would perform equally well.

Therefore it would have been prima facie obvious to modify the invention of Lee, Lilie, and Laskaris to obtain the invention as specified in claim 15 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Lee, Lilie, and Laskaris. Moreover, the Examiner takes Official Notice of the fact that generally triangular geometries are known in keying features, and it therefore have been obvious to one of ordinary skill in the art to utilize such a geometry in the keying features (projection seating region) of Lee, Lilie, and Laskaris.

10. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Lilie in view of Anderson (US3043994 to Anderson et al.).

The rejection is maintained. See the Office Action mailed on 6/1/2007. See the *Response to Arguments* below.

11. **Claims 12 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Anderson.

The rejection is maintained (though taking into consideration the change in dependency). See the Office Action mailed on 6/1/2007, the arguments still apply to claim 12 as amended. See the *Response to Arguments* below. With respect to the

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limitations newly added to claim 14, as best understood, the rejection still applies. In particular, each lamination portion has a radially internal edge (see edge facing 61 in Fig. 3) mutually seated side by side with the radially internal edge of an adjacent lamination portion so as to define a rectilinear alignment of each of the plurality of laminations.

12. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Laskaris.

The rejection is maintained (though taking into consideration the change in dependency). See the Office Action mailed on 6/1/2007, the arguments still apply to the claim as amended. See the *Response to Arguments* below.

Response to Arguments

13. Applicant's arguments filed 8/31/2007 have been fully considered but they are not persuasive.

In particular, with respect to claim 11, Applicant argues that Lee disclose each lamination element having two internal axial extensions and a single end radial extension, whereas in Applicant's invention there is a single internal axial extension and two end radial extensions.

The examiner respectfully disagrees. In Lee, as in Applicant's invention each lamination element is formed from two lamination portions, each lamination portion having a radial extension and *at least part* of an internal axial portion of the lamination element. Moreover, as claimed, there is no recitation requiring the axial portion to be continuous. This is further strengthened by the recitation "at least one of said... at least

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part of the internal axial extension" (Ins. 7 and 8 of claim 1), which implies that the axial portion can be fragmented, or, for example located only on one of the lamination portions. The same argument applies to claim 14:

With respect to claims 1-4, 6, 9, and 10, Applicant argues (page 10) the construction of claim 1 has a lamination stack having a continuous annular external lateral surface, obtained by equally spaced lamination elements, whereas Lee has block laminations disposed angularly away from each other, defining a discontinuous lateral surface. Applicant also argues that this block distribution *may* also be present on the internal surface of the lamination stack, though the figures do not shows this.

The examiner respectfully disagrees. First of all, it is clear from the figures that the internal surface is continuous, and arguments based on what *might* be present when the figures suggest otherwise carry no weight. Moreover, Applicant is arguing limitations which are not present in the claims. In particular, in claim 1 there is no requirement for a continuous annular external lateral surface, nor a requirement for equally spaced lamination elements.

Applicant also appears to argue that while in Lee both the axial and radial extensions are mutually seated, whereas in Applicant's invention only the radially internal edges are mutually seated side by side. Applicant's attention is drawn to the fact that Lilie is used as a secondary reference teaching forming an annular core of laminations spaced at equal angular separations, by first providing a rectilinear alignment of laminations having their radially internal edges mutually seated, followed by deforming this rectilinear alignment into the annular arrangement. The combination

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of the two references applies the method of Lilie to laminations elements having the structure presented in Lee.

Regarding the remaining claims, Applicant argues their allowability based on their dependence from allowable claims 1 and 11. Since claims 1 and 11 are not allowable, this argument is moot.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

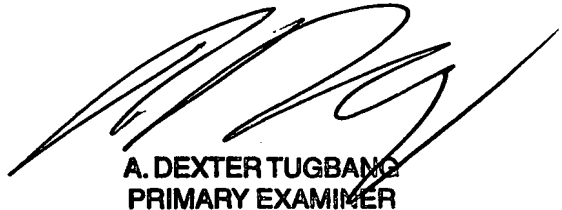
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Livius R. Cazan whose telephone number is (571) 272-8032. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571)272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LRC/ 11/08/2007



A. DEXTER TUGBANA
PRIMARY EXAMINER